

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
FINEMAN FURNITURE CO. INC. and	:
SEYMOUR FINEMAN, individually,	:
	:
Plaintiffs,	:
v.	:
	:
PLANNED FURNITURE PROMOTIONS, INC.,	:
GENE ROSENBERG AND ASSOCIATES, LLC,	:
EUGENE ROSENBERG, LESTER ROY	:
HESTER, PAUL COHEN, KURT EARLYWINE,	:
FURNITURE AUCTIONS OF AMERICA,	:
TODAY'S FURNITURE, and BH ASSOCIATES,	:
INC.,	:
	:
Defendants.	:
-----X	

Civil Action No. 07 Civ. 9749 (JSR)

AMENDED NOTICE OF MOTION


PLEASE TAKE NOTICE that the undersigned will bring the above motion on for hearing before the Honorable Jed S. Rakoff, at the United States Courthouse, United States District Court for the Southern District of New York, 500 Pearl Street, Courtroom 14B, New York, New York on the 14th day of February 2008 at 10:00 a.m. of that day or as soon thereafter as counsel can be heard for an order dismissing Plaintiffs' Second, Third, Fourth, Eighth, Ninth and Tenth Causes of Action in the Amended Complaint, pursuant to F.R.C.P. 12(b)(6), on the grounds that Plaintiffs have failed to state a claim upon which relief can be granted.

Plaintiffs' opposition papers are due to be served on Defendants no later than January 31, 2008.

Defendants' reply papers are due to be served on Plaintiffs no later than February 7, 2008.

Dated: New York, New York
February 7, 2008

COHEN TAUBER SPIEVACK
& WAGNER P.C.

By: 
Sari Kolatch
Leo L. Esses
Counsel to Defendants
420 Lexington Avenue, Suite 2400
New York, New York 10170
(212) 586-5800

To: Douglas F. Broder, Esq.
Catherine R. Keenan, Esq.
KIRKPATRICK & LOCKHART PRESTON
GATES ELLIS LLP
Counsel to Plaintiffs
599 Lexington Avenue
New York, New York 10022
(212) 536-4808